

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
Northern Division

TRACY ELDRIDGE
1520 Nicolay Way
Baltimore, MD 21221
(Baltimore County)

Plaintiff

v.

CALVIN BROWN
12 Brenda Lee Ct
Essex, MD 21221

and

UNITED STATES POSTAL SERVICE
Louis DeJoy, Postmaster General
475 L'Enfant Plaza, SW
Washington, DC 20260

Serve on:
Merrick B. Garland, United States Attorney
General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Defendants

* * * * *

COMPLAINT

The Plaintiff, Tracy Eldridge, by and through her attorneys, John A. Butler and Davida Law, LLC hereby file suit against the Defendant, United States Postal Service and Calvin Brown, and for reasons, state as follows.

INTRODUCTION

1. The Plaintiff, Tracy Eldridge, is a citizen of the State of Maryland residing at, 1520 Nicolay Way, Baltimore, MD 21221.

2. The Defendant, United States Postal Service, (for the actions of the agent, servant, and/or employee of the United States Postal Service) (USPS) is a federal governmental entity amenable to suit in this action pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§1346(b), § 2401(b) and 2671-80.

3. The Defendant, Calvin Brown, is a citizen of the State of Maryland, residing at 12 Brenda Lee Ct, Essex, MD 21221, who at all times relevant herein was the agent, servant and/or employee of the United States Postal Service.

JURISDICTION AND VENUE

4. This Honorable Court has jurisdiction over this action against the Defendant, United States Postal Service, pursuant to 28 U.S.C. §§ 1346(b).

5. Venue is appropriate in the Northern Division, pursuant to 28 U.S.C. §1391(b), as the place wherein a substantial part of the events or omissions giving rise to the claim occurred.

6. The Plaintiff has exhausted his administrative remedies, as required by 28 U.S.C. § 2675, in that the claim was instituted with the United States Postal Service on or about November 22, 2020 and March 2, 2022, by filing a Standard Form 95 and that agency denied the claim on July 13, 2022. Therefore in accordance with the FTCA, the Plaintiff files this cause of action within six months (6) of the denial of Plaintiff’s administrative claim.

COUNT I

(Negligence – Calvin Brown)

Plaintiff hereby incorporates by reference the allegations contained in the Introduction and Paragraphs 1 through 6 above and further alleges:

7. On or about October 7, 2018, Plaintiff, Tracy Eldridge, was a passenger in a motor vehicle being operated by, Mark Hepding on Nicolay Way in Baltimore County, Maryland.

8. At the same time and place, the Defendant, Calvin Brown, who at all times, relevant herein was the agent, servant and/or employee of the United States Postal Service was parked on the side of the roadway on Nicolay Way, when suddenly and without warning pulled out into the Plaintiff's lane of travel and collided with the Plaintiff's motor vehicle.

9. At that time and place, it was the duty of the Defendant, Calvin Brown, to operate a vehicle with reasonable care and with due regard for others using the road and was the proximate cause of said accident.

10. Notwithstanding said duties, Defendant, Calvin Brown, did then and there so carelessly, recklessly and negligently operate a vehicle so that he collided with the vehicle operated by the Plaintiff. Defendant, Calvin Brown was negligent in that he among other things:

- a. failed to keep a proper lookout;
- b. failed to keep a vehicle under proper control;
- c. made an unsafe lane change;
- d. failed to give full time and attention; and
- e. failed to heed and obey all other traffic rules and regulations then and there in effect.

11. As a direct result of the negligence of Defendant, Calvin Brown, who was acting at all times relevant herein as the agent, servant, and/or employee of the Defendant, United States Postal Service, Plaintiff did suffer great pain and permanent injury, mental

anguish, loss of income, property damage, and has incurred and in the future will incur medical expenses.

12. At all times relevant herein, the Plaintiff, Tracy Eldridge, was exercising due care, and was free of negligence.

WHEREFORE, the Plaintiff, Tracy Eldridge, demands judgment against the Defendant, Calvin Brown, in the amount of One Hundred Thousand Dollars (\$100,000.00) for personal injury, plus interest with the costs of this action and such other and further relief as the Court deems just and proper.

COUNT II
(Negligence – United States of America)

Plaintiff hereby incorporates by reference the allegations contained in the Introduction and Paragraphs 1 through 12 above and further alleges:

13. At the time of the accident, Defendant, Calvin Brown, who was acting at all times relevant herein as the agent, servant, and/or employee of the Defendant, United States Postal Service, was operating a motor vehicle owned the Defendant, United State Postal Service.

14. That at all times relevant hereto, Defendant, Calvin Brown, was acting as the agent, servant and/or employee of the Defendant, United States Postal Service and acting within the scope of his employment and/or agency, with the United States Postal Service and with the permission, express and/or implied of the Defendant, Untied States Postal Service.

15. At that time and place, it was the duty of the Defendant, Calvin Brown, who was acting at all times relevant herein as the agent, servant, and/or employee of the Defendant, United States Postal Service, to operate a vehicle with reasonable care and with due regard for others using the road and was the proximate cause of said accident.

16. Notwithstanding said duties, Defendant, Calvin Brown, who was acting at all

times relevant herein as the agent, servant, and/or employee of the Defendant, United States Postal Service, did then and there so carelessly, recklessly and negligently operate a vehicle so that he collided with the vehicle operated by the Plaintiff. Defendant, Calvin Brown was negligent in that he among other things:

- a. failed to keep a proper lookout;
- b. failed to keep a vehicle under proper control;
- c. made an unsafe lane change;
- d. failed to give full time and attention; and
- e. failed to heed and obey all other traffic rules and regulations then and

there in effect.

17. As a direct result of the negligence of Defendant, United States Postal Service, Plaintiff did suffer great pain and permanent injury, mental anguish, loss of income, property damage, and has incurred and in the future will incur medical expenses.

18. At all times relevant herein, the Plaintiff, Tracy Eldridge, was exercising due care, and was free of negligence.

WHEREFORE, the Plaintiff, Tracy Eldridge, demands judgment against the Defendant, United States Postal Service in the amount of One Hundred Thousand Dollars (\$100,000.00) for personal injury plus interest with the costs of this action and such other and further relief as the Court deems just and proper

/s/

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Attorney for Plaintiff
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DEMAND FOR JURY TRIAL

Plaintiff demands Trial by Jury on all issues herein.

/s/

John A. Butler, Esquire